

Appl. No. 09/663,513
Amdt. dated November 26, 2003
Reply to Office action of April 24, 2003

REMARKS/ARGUMENTS

Applicants have concurrently filed a Petition to Revive the above-named application with the Assistant Commissioner for Patents on November 26, 2003.

Claims 1-13 are pending in the application, and claims 1-13 have been rejected. Claims 1 and 13 have been amended. Claims 2-12 have been canceled. Claims 14-20 have been added. No new matter has been added.

Responsive to the objection to claim 11, Applicants submit that claim 11 has been canceled.

Responsive to the rejection of claim 1 under 35 U.S.C. 102(e) as being anticipated by Hejna Jr. ("Hejna"), Applicants submit that Hejna does not teach each and every element of Applicants' amended claim 1. Applicants' amended claim 1 recites a method including the steps of identifying the non-audible portion of a broadcast signal and increasing the duration of the non-audible portion of the broadcast signal prior to generating the output signal, thereby creating a time delay between the storage of the broadcast signal and the generation of the output signal.

In rejecting claims 4-5, Examiner argues that Fig. 5 and paragraph 0043 of Hejna teaches the steps of identifying the non-audible portion of a broadcast data signal prior to generating an output signal and increasing the duration of the non-audible portion of the broadcast data signal, thereby creating a time delay between the storage of the broadcast signal and the generation of the output signal. Applicants submit that Hejna does not teach the recited steps of Applicants'

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amended claim 1. Figure 5 illustrates a time-scale expansion of a Time-Scale Modification ("TSM") system. Figure 5 does not teach the identification of a non-audible portion of the displayed output signal. Paragraph 0042, which describes Fig. 5, only teaches that a TSM system may modify an input data stream by applying Time-Scale Expansion so that the output signal contains more samples per block of input data (as shown in Fig. 5). Therefore, Fig. 5 and paragraph 0042 neither teach that a non-audible portion of the input data stream is identified prior to the generation of the output signal nor that the non-audible portion is increased to create a time delay.

Examiner also argues that paragraph 0043 teaches the steps of identifying the non-audible portion of the broadcast signal and increasing the duration of the non-audible portion to create a time delay. Paragraph 0043, however, simply teaches that a reduction in the number of data signals sent to a TSM system slows the data drain-rate from a capture buffer. Accordingly, while this reference may teach that the playback rate of an audio signal may be slowed, neither paragraph 0043 nor the remaining portions of this reference teach how to create a time delay between the broadcast data signal and the generation of the output signal, as does Applicants' amended claim 1. In fact, Applicants are not aware of any disclosures in Hejna that teach or suggest the identification of non-audible portions of the broadcast signal.

Responsive to the rejections of claim claims 2-3, 4-5, 8-9, 10-12 and 11, Applicants submit that each of these claims have been canceled.

Responsive to the rejection of claim 13 under 35 U.S.C. 102(b) as being anticipated by Camhi et al. ("Camhi"), Applicants submit that Camhi does not teach each and every element of

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Applicants' amended claim 13, specifically including a controller operative to identify the non-audible portion of a broadcast signal and to increase the duration of the non-audible portion of the broadcast signal prior to generating the output signal, thereby creating a time delay between storing the broadcast signal and generating the output signal. On page 4, lines 20-36, Camhi teaches a controller capable of presenting programming information to a user with a time delay effect, but this reference does not teach that the time delay effect is created by identifying the non-audible portion of a broadcast signal and increasing the duration of the non-audible portion of the signal prior to generating the output signal.

For the above-stated reasons, Applicants submit that every recitation of Applicants' amended claims 1 and 13 is not taught by Hejna and Camhi, respectively. New claims 14-20 either directly or indirectly depend from claim 1. Because these claims incorporate every element of amended claim 1 therein, Applicants submit that the cited reference does not teach every element of new claims 14-20, thereby placing the application in condition for allowance. Applicants respectfully requests allowance thereof.

Should any questions concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 237-1184.

In the event that Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby

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conditionally petition therefore and authorize that any charges be made to Deposit Account No. 02-0390, BAKER & DANIELS.

Respectfully submitted,

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CERTIFICATE OF MAILING
(37 C.F.R. § 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the address above on the date indicated below.

November 26, 2003

By: *Kareem A. Howell*
Kareem A. Howell